



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, June 5, 2003**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, June 5, 2003 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Cathy Harrington, First Unitarian Universalist Church

Mayor Garcia called the Council Meeting to order at 12:09 p.m.

Mayor Garcia recessed the meeting at 12:14 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

1. Discuss legal issues related to *Hyde Park Baptist Church v. The City of Austin, Defendant, and Hyde Park Neighborhood Association, Defendant Intervenor*, Cause Number GN202015, in the 98th Judicial District Court of Travis County, Texas. (Concerns the church's construction of a parking garage near 39th Street and Avenue D).
2. Discuss legal issues related to Chapter 5-7 of the City Code, the Minority-Owned and Women-Owned Business Enterprise Procurement Program.
No discussion was held on this item.

Items #3-7 were discussed later in Executive Session.

8. Discuss legal issues related to the proposed Garza Brodie Subdivision (also known as the Lowe's tract), approximately 31 acres in the Barton Springs Zone located at the Northwest corner of Brodie Lane and Allegro Lugar, and the cases *Lowe's Home Centers, Inc. v. City of Austin*, Cause No. GN300629, in the 98th Judicial District Court of Travis County, Texas (concerning development of the Lowe's tract) and *Gordon Dunaway and Eli J. Garza v. City of Austin*, Cause No. 97-12434, in the 261st Judicial District Court of Travis County, Texas (concerning development of land in the Barton Springs Zone near the intersection of William Cannon Drive and Mopac).

Executive Session ended at 1:48 p.m.

Mayor Garcia called the Council meeting back to order at 1:54 p.m.

CITIZEN COMMUNICATIONS: GENERAL

- Robert L. Thomas - To discuss the park directorship and employment as athletes and builders at the Rosewood Recreation Center. **Not present when name was called.**
- Craig Gordon - Minority Contracting Issue. **Not present when name was called.**
- Mr. Ara Merjanian - Super Duplex Ordinance
- Jennifer L. Gale - Extra! Extra! Read All About It.

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Dunkerley's motion, Council Member Wynn's second on a 6-0 vote. Council Member Thomas was off the dais.

9. Approval of minutes from work session of May 21, 2003, the regular meeting of May 22, 2003 and amendment to regular meeting of March 27, 2003 and April 24, 2003.
The minutes from the work session of May 21, 2003 and the regular meeting of May 22, 2003 and amendment to regular meeting of March 27, 2003 and April 24, 2003 were approved.
10. Approve change order #5 of a contract with JOURNEYMAN CONSTRUCTION, LP, Austin, TX, (MBE/MA 14.75%) to provide additional cable drops in various locations within the Control/Administration building at the Sand Hill Energy Center in an amount not to exceed \$9,255.50, for a total contract amount not to exceed \$1,976,000. (Funding in the amount of \$9,255.50 is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) 0% MBE; 0% WBE Subcontracting Participation. (Recommended by the Electric Utility Commission.)
The motion authorizing change order #5 of a contract was approved.
11. Authorize negotiation and execution of a design-build contract with BURNS & MCDONNELL ENGINEERING CO., INC., Kansas City, MO, for a Building Combined Heat & Power (cogeneration) project, for the highly efficient production of electric power and thermal energy (cooling & heating) to be located at the Domain Business Park in north Austin in an amount not to exceed \$5,343,000. (Funding in the amount of \$1,800,000 is available in the Fiscal Year 2002-2003 Amended Capital Budget of the Electric Utility Department. Funding for the remainder is contingent upon future budgets.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. (Recommended by the Electric Utility Commission.)
The motion authorizing the negotiation and execution of a design-build contract was approved.
12. Amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget to Community Care Services Special Revenue Fund by authorizing the increase of 7.0 FTEs for the Ryan White Title I grant fund. (Funds for these positions are available in the existing approved Ryan White Title I grant in the amount of \$298,618. The grant period is from March 1, 2003 through February 29, 2004. These funds do not represent an increase in the grant awarded to the City, but is a reallocation of funds where the allocation to the David Powell Clinic has increased.) (Recommended by the HIV Planning Council)
Ordinance No. 030605-12 was approved.

13. Amend Ordinance No. 020910-01, the Fiscal Year 2002-2003 Approved Operating Budget to Community Care Services Special Revenue Fund by authorizing the increase of 1.0 FTE for the Ryan White Title II grant fund. (Funding in the amount of \$50,974 is available in the Ryan White Title II grant. The grant period is from March 1, 2003 through February 29, 2004. These funds represent an increase in the actual grant awarded to the City, and a reallocation of funds, where the allocation to the David Powell Clinic has increased. The grant increase was already included in the Approved Operating Budget) (Recommended by the HIV Planning Council)
Ordinance No. 030605-13 was approved.

Items 14 and 15 were pulled for discussion.

16. Approve an issuance by North Austin Municipal Utility District No. 1 of Contract Revenue Refunding Bonds, Series 2003, in an amount not to exceed \$4,665,000; and approve the terms, conditions and covenants of the Bond Resolution and Preliminary Official Statement. (The City will realize on its pro rata share (65.19%) of the Series 2003 Contract Revenue Bonds a present value savings of approximately \$250,950 based on current market conditions. Total expected City of Austin debt service savings through Fiscal Year 2010 may exceed \$3.5 million, due to the use of original bond proceeds and interest to redeem outstanding bonds.)
Resolution No. 030605 was approved.

Item 17 was pulled for discussion.

18. Approve execution of Amendment No. 1 to the social services contract with AMERICAN - YOUTHWORKS, INC., Austin, TX, for continuation of a job training/life skills program through trail building and parks improvements for the City of Austin Parks and Recreation Department and Water and Wastewater Utility, in an amount not to exceed \$152,910, for a total contract amount not to exceed \$245,805. (Funding in the amount of \$113,220 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Parks and Recreation Department and funding in the amount of \$39,690 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Water and Wastewater Utility.)

The motion authorizing the execution of Amendment No. 1 to the social services contract was approved.

19. Approve an Ordinance authorizing acceptance of \$8,296 in additional grant funds from the Texas Department of Health, Centers for Disease Control and Prevention project, Public Health Preparedness and Response for Bioterrorism grant program; and amending Ordinance No. 020910-01, the approved Fiscal Year 2002-2003 Operating Budget, Health Human Services Special Revenue Fund by appropriating \$8,296 in additional grant funds for a total grant amount of \$1,231,296. (Funds are available from the Texas Department of Health for the Public Health Preparedness and Response for Bioterrorism grant program. The initial grant period is June 1, 2002 through August 30, 2003. No city match is required.)
Ordinance No. 030605-19 was approved.

20. C14-03-0047A- Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3208B State Highway 71 East at South FM 973 Road (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. First reading on May 8, 2003. Vote: 7-0. Conditions met as follows: No conditions were imposed. Applicant: Speedy Stop Food Stores, Ltd. (Carlton LaBeff). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. (Related Item 21)

Ordinance No. 030605-20 was approved.

21. C14-03-0047B - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3208 State Highway 71 East at South FM 973 Road (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading May 8, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicants: Speedy Stop Food Stores, Ltd. (Carlton LaBeff) and Texas Department of Transportation (Gary Morris). Agent: Crocker Consulting (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. (Related Item 20)
Ordinance No. 030605-21 was approved.
22. C14-03-0026 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2501, 4401 and 4417 East St. Elmo Road (Williamson Creek Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning; limited industrial services-neighborhood plan (LI-NP) combining district zoning; and, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; single family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning; and, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
Ordinance No. 030605-22 was approved.
23. C14-03-0027 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4601 and 4611 East St. Elmo Road (Williamson Creek Watershed) from single family residence standard lot-neighborhood plan (SF-2-NP) combining district zoning; single family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning; rural residence-neighborhood plan (RR-NP) combining district zoning; townhouse & condominium residence-neighborhood plan (SF-6-NP) combining district zoning; and, limited office-neighborhood plan (LO-NP) combining district zoning to single family residence standard lot-conditional overlay-neighborhood plan (SF-2-CO-NP) combining district zoning; rural residence-conditional overlay-neighborhood plan (RR-CO-NP) combining district zoning; townhouse & condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning; and, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.
This item was postponed to July 17, 2003.
24. C14-03-0029 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south of Burleson Road and west of Stassney Lane (Williamson Creek Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning; warehouse/limited office-neighborhood plan (W/LO-NP) combining district zoning; and limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning and warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay

incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 030605-24 was approved.

25. C14-03-0030 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4100 Caven Road (Williamson Creek Watershed) from limited industrial services-neighborhood plan (LI-NP) combining district zoning to limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 030605-25 was approved.

26. C14-03-0040 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600 Burleson Road (Onion Creek Watershed) from industrial park-conditional overlay-neighborhood plan (IP-CO-NP) combining district zoning to industrial park-conditional overlay-neighborhood plan combining (IP-CO-NP) district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 030605-26 was approved.

27. C14-03-0035 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as south of East Ben White Boulevard and east of Montopolis Drive (Carson Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning; general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning; general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning; and, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to public-conditional overlay-neighborhood plan (P-CO-NP) combining district zoning; general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning; and, limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning. First reading on April 24, 2003. Vote: 6-0, Garcia absent. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff: Wendy Walsh, 974-7719.

This item was postponed to June 12, 2003.

28. C14-03-0044 - O'Brien Animal Transportation and Services - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6016 Old Fredericksburg Road (Barton Creek Watershed - Barton Springs Zone) from single family residence standard lot (SF-2) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. First and second readings on May 15, 2003. Vote: 7-0. Conditional Overlay and Restrictive Covenant incorporates the conditions imposed or accepted by City Council at first and second ordinance readings. Applicant and Agent: Kevin O'Brien. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 030605-28 was approved.

29. C14-02-0164 - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Southwest Parkway at Travis Cook Road and Old Bee Caves Road at Bell Drive (Barton Creek and Williamson Creek Watersheds-Barton Springs Zone) from rural residence (RR) district zoning and development reserve (DR) district zoning to multi-family residence limited density-conditional overlay (MF-1-CO) combining district zoning. First reading March 20, 2003. Vote: 5-1, Slusher nay. Second reading on April 24, 2003. Vote: 4-2, Goodman and Slusher nay. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Lamar Mathis, Esther B. Martinez and Earl Tipton. Agent: Urban Design Group (Laura Touns). City Staff: Annick Beaudet, 974-2975.

Ordinance No. 030605-29 was approved, on a 4-2 vote with the following friendly amendment, from Council Member Dunkerley. The friendly amendment was to add access on the Old Bee Caves Road. This was accepted by the maker of the motion and Council Member Wynn, who seconded the motion. Mayor Pro Tem Goodman and Council Member Slusher voted nay. Council Member Thomas was off the dais.

Items 30 - 32 were pulled for discussion

33. Authorize application for supplemental grant funding in the amount of \$4,350,000 from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, to provide 58 new police officer positions in order to maintain 2.0 staffing. A small portion of the funding will be used in Fiscal Year 2003-2004 while the majority of funding will be used in future years. (Supplemental funding is available from the U.S. Department of Justice, Office of Community Policing Services (COPS), Universal Hiring Program, with an anticipated start date of October 1, 2003. A cash match of \$5,869,860 is required over a three-year period and will be included in future operating budgets for the Austin Police Department.)

The motion authorizing the application for supplemental grant funding was approved.

34. Approve a resolution authorizing the acceptance of renewal grant funding from the State of Texas, Governor's Office, Criminal Justice Division, Victims of Crime Act for the Austin Police Department for ten full-time equivalent (FTE) Victim Counselors for a "Comprehensive Victim Services Program". (Funding is available from the State of Texas, Governor's Office, Criminal Justice Division for the grant period July 1, 2003 - June 30, 2004. A 20% minimum cash match is required. The match can be found in the approved Fiscal Year 2002-2003 Operating Budget for the Austin Police Department (APD), Victim Services Program, and will be proposed in the Fiscal Year 2003-2004 Operating Budget. Funding for the continued operation of this program is contingent upon available funding in future budgets.)

Resolution No. 030605-34 was approved.

35. Approve an ordinance to establish classifications and change the number of positions in specific civil service ranks of the classified service of the Police Department to implement two new area commands, and repeal Ordinance No. 030213-38. (Funding in the amount of \$44,406 is available within the Approved Fiscal Year 2002-2003 Operating Budget.)

Ordinance No. 030605-35 was approved.

36. Authorize an Interlocal Agreement between the City of Austin and Travis County for partial funding of a Downtown Business District Attorney in an amount not to exceed \$10,000 in Fiscal Year 2002-2003 and \$20,000 in future years. (Funding in the amount of \$10,000 is available in the Fiscal Year 2002-2003 operating budget for the Austin Police Department. Funding for the remaining 24 months of the contract period will be included in future operating budgets for the Austin Police Department.)

The motion authorizing the execution of a construction contract was approved.

37. Approve a resolution authorizing the fee simple acquisition of Lot 37, Linda Vista Subdivision, locally known as 6609 Rowood, from Teofilia Constancio for the Airport Noise Mitigation Program, in the amount of \$55,000 for land and improvements, and \$20,868.10 for relocation benefits, plus closing costs and moving related expenses in the amount of \$3,000, for a total amount not to exceed \$78,868.10. (Funding in the amount of \$78,868.10 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030605-37 was approved.
38. Approve a resolution authorizing the fee simple acquisition of Lot 16, Linda Vista Subdivision, locally known as 10804 Linda Vista, from Santos H. Constancio, Tiofila C. Govea, Gavino V. Constancio, Connie M. Mata and Raymundo V. Constancio, for the Airport Noise Mitigation Program, in the amount of \$93,000 for land and improvements, and \$5,901 for relocation benefits, plus closing costs and moving related expenses in the amount of \$5,000, for a total amount not to exceed \$103,901. (Funding in the amount of \$103,901 is available in the Fiscal Year 2002-2003 Capital Budget of the Department of Aviation using airport funds and available Federal Aviation Administration (FAA) Grants.)
Resolution No. 030605-38 was approved.
39. Authorize execution of a construction contract with H.L. ZUMWALT CONSTRUCTION, INC., Helotes, TX, for the Walsh Tract Lift Station Rehabilitation Project, in the amount of \$949,548.88 plus a \$94,951.12 contingency, for a total contract amount not to exceed \$1,044,500. (Funding in the amount of \$1,044,500 is included in the Fiscal Year 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of two bids received. 19.84% MBE and 10.13% WBE subcontractor participation. (Joint Use Agreement recommended by Parks Board.)
The motion authorizing the execution of a construction contract was approved.
40. Approve execution of a 12-month supply agreement with FINI ENTERPRISES, INC., DBA FE3, INC., Parsippany, NY for the purchase of liquid ferric sulfate for the Water & Wastewater Utility, in an amount not to exceed \$348,803, with two 12-month extension options in the amount of \$348,803 per extension, for a total agreement amount not to exceed \$1,046,409. (Funding in the amount of \$87,200 is available in the 2002-2003 Operating Budget of the Water and Wastewater Utility. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of a supply agreement was approved.
41. Authorize execution of a 12-month service agreement with A.S.A.P. ELECTRIC, INC., Austin, TX for installation of water heater timers in an amount not to exceed \$131,500, with two 12-month extension options in an amount not to exceed \$131,500, for a total agreement amount not to exceed \$394,500. (Funding in the amount of \$32,874.99 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining nine months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a service agreement was approved.

42. Authorize execution of four 12-month supply agreements for high pressure luminaries with GENERAL ELECTRIC SUPPLY, Austin, TX, in an amount not to exceed \$312,705 with three 12-month extension options in an amount not to exceed \$312,705 per extension option, for a total agreement amount not to exceed \$1,250,820; TECHLINE, INC., Austin, TX, in an amount not to exceed \$44,830, with three 12-month extension options in an amount not to exceed \$44,830 per extension option, for a total agreement amount not to exceed \$179,320; POWER SUPPLY INC., Austin, TX, in an amount not to exceed \$63,780, with three 12-month extension options in an amount not to exceed \$63,780 per extension option, for a total agreement amount not to exceed \$255,120; and with PRIESTER-MELL & NICHOLSON, INC., Austin, TX, in an amount not exceed \$2,074.60, with three 12-month extension options in an amount not to exceed \$2,074.60 per extension option, for a total agreement amount not to exceed \$8,298.40. (Funding in the amount of \$105,847.41 is available in the Fiscal Year 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining nine months of the original contract period and extension option is contingent upon available funding in future budgets.) Low bidders of five bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.
The motion authorizing the execution of four supply agreements was approved.
43. Authorize execution of an interlocal agreement with TEXAS DEPARTMENT OF HEALTH, BUREAU OF LABORATORIES, Austin, TX for laboratory services for tuberculosis testing in an amount not to exceed \$13,500, with two 12-month extension options in an amount not to exceed \$13,500 per extension, for a total agreement amount not to exceed \$40,500. (Funding in the amount of \$1,125 is available in the 2002-2003 Approved Operating Budget of the Health and Human Services Department, Emergency Shelter Grant-Essential Services. Funding for the remaining 11 months of the original contract period and extension options is contingent upon available funding in future budgets.) Interlocal.
The motion authorizing the execution of an interlocal agreement was approved.
44. Authorize execution of a contract with FREIGHTLINER OF AUSTIN, Austin, TX, for a mobile bio-terrorism/health step-van in an amount not to exceed \$239,900. (Funding in the amount of \$239,900 is available in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department, Special Revenue Fund, Public Health Preparedness and Response for Bioterrorism Grant.) Low bid meeting specifications of two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a contract was approved.
45. Authorize execution of a 12-month supply agreement with GEORGETOWN FARM SUPPLY, Georgetown, TX for dog and puppy food in an amount not to exceed \$55,055, with two 12-month extension options in an amount not to exceed \$55,055 per extension, for a total agreement amount not to exceed \$165,165. (Funding in the amount of \$9,175.83 is included in the Fiscal Year 2002-2003 Approved Operating Budget of the Health and Human Services Department. Funding for the remaining ten months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.

46. Authorize execution of a 12-month supply agreement with VF IMAGEWEAR (WEST), INC, Nashville, TN for uniform shirts and trousers for the Austin Police Department in an amount not to exceed \$202,913.30 with two 12-month extension options in an amount not to exceed \$202,913.30 per extension option, for a total agreement amount not to exceed \$608,739.90. (Funding in the amount of \$67,638 is included in the Fiscal Year 2002-2003 Approved Operating Budget of the Austin Police Department. Funding for the remaining eight months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder meeting specification of eight bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the execution of a supply agreement was approved.
47. Approve an ordinance to amend Section 16-4-15 of the City Code, Speed Limits, by adding Roland Johnson Drive to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Webb Middle School. (Funding in the amount of \$600 is available in the Approved 2002-2003 Child Safety Budget of the Transportation, Planning & Sustainability Department.)
Ordinance No. 030605-47 was approved.

Items 48-51 were pulled for discussion.

52. Board and Commission Appointments
The following appointments were made:
- | <u>Board/
Appointee</u> | <u>Consensus/
Council Nominee</u> | <u>Appointment/
Reappointment</u> |
|---------------------------------------------------------------------------------------------|---------------------------------------|---------------------------------------|
| <u>MBE/WBE Advisory Committee</u> | | |
| Dawn Crane | Consensus | Appointment |
| <u>Medical Assistance Program and Rural Medical Assistance Program Joint Advisory Board</u> | | |
| Stephen Tripp | Consensus | Appointment |
| <u>Parks and Recreation Board</u> | | |
| Linda Guerrero | Council Member Alvarez' | Reappointment |
| <u>Urban Forestry Board</u> | | |
| Leonard Lyons | Council Member Thomas' | Reappointment |

Item 53 was set for a time certain of 3:00 p.m.

Item 54 was pulled for discussion.

55. Approve an ordinance authorizing reimbursement of certain fees under Chapter 15-11 of the City Code to the Young Men's Business League for the Schlotzsky's Bun Run held on April 13, 2003. (Mayor Gus Garcia, Mayor Pro Tem Jackie Goodman and Council Member Danny Thomas)
Ordinance No. 030605-55 was approved.
56. Approve a resolution directing the City Manager to evaluate and report back within 30 days on the usage and the environmental impact of parking lot sealants within the City of Austin and the possibility of regulation. (Council Member Daryl Slusher, Mayor Gus Garcia and Mayor Pro Tem Jackie Goodman)
Resolution No. 030605-56 was approved.

57. Set a public hearing to consider an ordinance amending the City Code to provide design guidelines for projects developed in a central business district (CBD) or a downtown-mixed use (DMU) district. (Suggested date and time: June 12, 2003 at 6:00 p.m.) (Reviewed by Design Commission, Downtown Commission, Historic Landmark Commission, Parks and Recreation Board, Planning Commission, Urban Transportation Commission, and Zoning and Platting Commission.)
The public hearing was set for June 12, 2003 at 6:00 p.m.
58. Set a public hearing for an ordinance to amend the City Code regarding site development standards in a single family residence small lot (SF-4A) zoning district. (Suggested date and time: June 12, 2003, 6:00 p.m.) (Recommended by Planning Commission)
The public hearing was set for June 12, 2003 at 6:00 p.m.
59. Set a public hearing to consider a variance request to allow construction of a parking area in the 100-year floodplain of Onion Creek at the South Austin Soccer Complex. (Suggested date and time: June 12, 2003 at 6:00 p.m.)
The public hearing was set for June 12, 2003 at 6:00 p.m.
60. Set a public hearing to consider a variance request to allow construction of two room additions to an existing single-family residence in the 100-year floodplain of Shoal Creek at 7300 Greenhaven Drive. (Suggested date and time: June 12, 2003 at 6:00 p.m.)
The public hearing was set for June 12, 2003 at 6:00 p.m.

Items 61-63 were set for public hearing and possible action at 6:00 p.m.

64. Approve an ordinance adopting interim development regulations, including a moratorium, relating to the construction of two family residential units, secondary apartments, and single family attached residential dwelling units and the redevelopment of land on which two family residential units, secondary apartments, and single family attached residential dwelling units are to be constructed. (Council Member Betty Dunkerley and Mayor Pro Tem Jackie Goodman)
This item was withdrawn by the sponsors.

Mayor Garcia recessed the Council meeting to go into Executive Session at 2:30 p.m.

EXECUTIVE SESSION CONTINUED

3. Discuss legal issues related to *Christopher Ochoa v. City of Austin, et al.*, Case Number A02CA710-JN in the United States District Court for the Western District of Texas, Austin Division, and *Barbara Oakley, as Legal Guardian for Richard Danziger v. City of Austin, et al.*, Case Number A02CA711-JN in the United States District Court for the Western District of Texas, Austin Division. [Plaintiffs in these cases claim they were wrongfully imprisoned for a crime they did not commit].
6. Discuss legal issues related to *Kathleen Lawrence, et al. v. City of Austin*, Cause No. GN301574, in District Court of Travis County (relating to duplex at 3500 Duval).
7. Discuss legal issues related to *Michael Little, et al. v. the City of Austin, Texas, et al.*, Cause No. 270084, in Travis County Court at Law No. 1 (relating to Hampton Road duplex Board of Adjustment Appeal).

Executive Session ended at 3:24 p.m.

Mayor Garcia called the Council meeting back to order at 3:25 p.m.

DISCUSSION ITEMS

31. C14-02-0168 - Agape Christian Ministries - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7809 Peaceful Hill Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. First reading on April 10, 2003. Vote: 7-0. Second Reading on May 8, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Agape Christian Ministries (Lawrence Wilkerson). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 030605-31 was approved on Council Member Thomas's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
32. C14-02-0169 - Agape Christian Ministries - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7715 Byrdhill Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to neighborhood office-conditional overlay (NO-CO) combining district zoning. First reading on April 10, 2003. Vote: 7-0. Second reading on May 8, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on second ordinance reading. Applicant: Agape Christian Ministries (Bernard Wong). Agent: Crocker Consultants (Sarah Crocker). City Staff: Wendy Walsh, 974-7719. Note: A valid petition has been filed in opposition to this rezoning request.
Ordinance No. 030605-32 was approved on Council Member Thomas's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.
30. C14-02-0189 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First reading on February 13, 2003. Vote: 7-0. Conditions met as follows: Conditional Overlay incorporates the conditions imposed by Council on first ordinance reading. Applicant: Harper Trust (Gonzalo Gonzales). Agent: Crocker Consultants (Sarah Crocker). City Staff: Annick Beaudet, 974-2975.
The motion to approve the ordinance, adopting staff's recommendations, was made by Council Member Dunkerley and seconded by Council Member Wynn.
- The substitute motion to postpone action to June 12, 2003 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.**
48. C14H-02-0021 - Hyde Park Branch A&P Store - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property known as 3810 Speedway (Waller Creek Watershed) from MF-4-NCCD, Multi-Family Residence-Moderate-High Density, Neighborhood Conservation Combining District, to MF-4-H-NCCD, Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. Historic Landmark Commission Recommendation: To grant MF-4-H-NCCD Multi-Family Residence-Moderate-High Density-Historic Neighborhood Conservation Combining district, zoning. (Recommended by Historic Landmark Commission and Planning Commission to grant MF-4-H-NCCD.)
The motion to deny historic zoning was approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Council Members Dunkerley, Slusher, Thomas and Wynn. Those voting nay were: Mayor Garcia, Mayor Pro Tem Goodman and Council Member Alvarez.

53. Consider amendments to Ordinance Number 030320-23 relating to the Neighborhood Plan Amendment Process. (Third reading) (Council Member Betty Dunkerley and Mayor Gus Garcia) **Ordinance No. 030605-53, adopting staff's recommendations, was approved on Council Member Dunkerley's motion, Mayor Garcia's second on a 4-3 vote. Those voting aye were: Mayor Garcia, and Council Members Dunkerley, Thomas and Wynn. Those voting nay were: Mayor Pro Tem Goodman, and Council Members Alvarez and Slusher.**

ZONING CONSENT ITEMS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Thomas' motion, Council Member Wynn's second on a 7-0 vote.

- Z- 1 C14-03-0069 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 817 Howard Lane (Walnut Creek Watershed) from single family residence standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: CB Richard Ellis (Jerry M. Frey). Agent: Jackson Walker L.L.P. (Jim Nias). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030605-Z-1 for CS-CO General Commercial Services Conditional Overlay Combining district zoning was approved.
- Z- 2 C14-03-0002 - 9325 Burnet Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9325 Burnet Road (Little Walnut Creek Watershed) from LI, Limited Industrial Services district zoning to CS, General Commercial Services district zoning. Planning Commission Recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district zoning. Applicant: 9325, Inc. (Elliott Silverstone). Agent: Law Offices of Glenn K. Weichert (Glenn Weichert). City Staff: Sherri Gager, 974-3057.
Ordinance No. 030605-Z-2 for CS-CO General Commercial Services Conditional Overlay Combining district zoning was approved.
- Z- 3 C14-03-0058 - Lake Austin Montessori - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 701 Norwalk Avenue (Johnson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To deny neighborhood office-mixed use (NO-MU) combining district zoning. Applicant: Joseph Draker. Agent: Central Austin Real Estate (Richard Glasheen). City Staff: Glenn Rhoades, 974-2775
This item was postponed to July 17, 2003 at the applicant's request.
- Z- 4 C14-03-0062 - Lusk and Evans - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 808 West 11th Street (Shoal Creek Watershed) from multi-family moderate-high density (MF-4) district zoning to general office-mixed use (GO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-mixed use (GO-MU) combining district zoning. Applicant: Patrick Guy. Agent: Jim Bennett. City Staff: Glenn Rhoades, 974-2775.
This item was postponed to June 12, 2003 at the staff's request.

Item Z-5 was reconsidered later in the meeting.

Item Z-6 was discussed after the 6:30 p.m. public hearing.

DISCUSSION ITEMS CONTINUED

54. Approve a resolution adopting the revised Capital Area Metropolitan Planning Organization Joint Powers Agreement. (Mayor Gus Garcia and Council Member Daryl Slusher)
Resolution No. 030605-54, deleting number 2 from the resolution in the backup, was approved on Council Member Slusher's motion, Mayor Garcia's second on a 7-0 vote.
49. Approve an ordinance to amend Section 25-2-773 of the City Code related to duplex residential use and repealing Ordinance No. 030227-28 related to the duplex residential use moratorium. (Third reading) (Reviewed by Planning Commission.) (Related Item 50)
There was a motion from Mayor Pro Tem Goodman, seconded by Council Member Dunkerley to amend the ordinance to allow duplexes up to 4,000 square feet in size on lots that were up to 10,000 square feet. On larger lots, a .57 FAR would be allowed. Staff was instructed by Council Member Dunkerley to research other types of units that could be constructed under the SF3 zoning as it pertains to the number of unrelated individuals that could be living in a unit.

Council Member Alvarez made a friendly amendment that the .57 FAR be reduced to .5 FAR. This was not accepted by the maker of the motion.

A substitute motion to reduce the .57 FAR to .5 FAR failed on Council Member Alvarez' motion, Mayor Garcia's second on a 3-4 vote. Those voting aye were: Mayor Garcia and Council Members Alvarez and Slusher. Those voting nay were: Mayor Pro Tem Goodman and Council Member Dunkerley, Thomas and Wynn.

Ordinance No. 030605-49, as amended in the main motion shown above, was approved on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.
50. Approve an ordinance amending Ordinance No. 030227-28 as amended by Ordinance No. 030522-15 to extend the interim development regulations (moratorium) regarding the issuance of a building permit for the construction, remodeling or creating of a high residency duplex use beyond 12:01 a.m. on June 6, 2003. (Related Item 49)
With the passage of item 49, this item required no action.

Mayor Garcia recessed the Council Meeting to go into Executive Session at 4:46 p.m.

EXECUTIVE SESSION CONTINUED

4. Discuss legal issues concerning proposed legislation in the 78th Legislature, including issues relating to grandfathering, hospital districts, annexation, water rights, taxation, employment law, land use and development law, signs, and the jurisdiction of municipal courts.
5. Discuss legal issues related to Brackenridge Hospital lease agreement with Seton Healthcare Network, legal issues related to Seton's request to move Children's Hospital to the former Robert Mueller Municipal Airport site and other legal issues. (Related Items 14, 15, 51, 63, Z-6)

The Mayor announced that Council would discuss item number 17 on the regular agenda during Executive Session.

LIVE MUSIC

Friends of Dan Strait

PROCLAMATIONS

Proclamation - Convoy for Hunger - to be presented by Mayor Gus Garcia and to be accepted by Denise Leslie

Certificates of Congratulations - WWW Pretreatment Compliance Award Winners - to be presented by Mayor Gus Garcia and to be accepted by the honorees

Proclamation - Asian-Pacific American Cultural Heritage Day - to be presented by Mayor Gus Garcia and to be accepted by Vince Cobalis

Distinguished Service Award - Athan Ogoh - to be presented by Council Member Danny Thomas and to be accepted by the honoree

Executive Session ended at 6:32 p.m.

Mayor Garcia called the Council Meeting back to order at 6:34 p.m.

ZONING DISCUSSION

- Z- 5 C14-03-0050 - Seton Medical Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West Parmer Lane (Walnut Creek Watershed) from general commercial services (CS) district zoning and industrial park (IP) district zoning to commercial highway-conditional overlay (CH-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway-conditional overlay (CH-CO) combining district zoning. Applicant: Seton Medical Center (Bob Moroz). Agent: Bury and Partners, Inc. (Gregory Strminska, P.E.). City Staff: Sherri Gager, 974-3057.

This item was postponed to June 12, 2003 as a part of the zoning consent agenda.

The motion to reconsider this item, due to additional information from staff, was approved on Council Member Dunkerley's motion and Council Member Thomas's second on a 6-0 vote. Council Member Alvarez was off the dais.

The motion to postpone this item to June 12, 2003 was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 6-0 vote. Council Member Alvarez was off the dais.

PUBLIC HEARINGS AND POSSIBLE ACTION

61. Conduct a public hearing for the full purpose annexation of the Walnut Creek Municipal Annexation Plan Area (approximately 315 acres northwest of the intersection of Braker Lane and Dessau Road)
The public hearing was closed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
63. Conduct a public hearing and approve an ordinance authorizing the City Manager to negotiate and execute an amendment to the lease of Brackenridge Hospital with the Daughters of Charity Health Services of Austin, d/b/a Seton Healthcare Network, relating to Seton's request to move Children's Hospital to the former Robert Mueller Municipal Airport site and other issues regarding the lease agreement. (Related Items 5, 14, 15, 51, Z-6)
The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

The first reading of the ordinance was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.

14. Approve a resolution authorizing the City Manager, or designee, to negotiate and execute with Catellus Development Corporation, or a related entity: (a) a Purchase and Sale Agreement for approximately 32 acres at the former Robert Mueller Municipal Airport site (RMMA); (b) a Purchase and Sale Agreement for rights-of-way surrounding and providing access to the 32 acres; (c) a Hospital Site Development Agreement; (d) an Escrow Agreement; and (e) a resolution declaring intent to reimburse \$7,250,000 in costs related to the Catellus-Seton Site Development Project. (11/14/2000 - RMMA Commission recommends that the City Council adopt the RMMA Redevelopment/Reuse Plan, prepared by ROMA, as soon as possible. Two members of the RMMA PIAC participated in the Master Developer Selection process; 05/21/03 Planning Commission approved Planned Unit Development zoning.) (Related Items 5, 15, 51, 63, Z-6)
Resolution No. 030605-14 to authorize negotiation only was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.
51. Authorize negotiation and execution of a cost reimbursement agreement with Catellus Commercial Development Corporation, providing terms and conditions for construction of a 16-inch water main and appurtenances to provide water service to a portion of the Robert Mueller Municipal Airport Redevelopment with City cost reimbursement for actual "hard" construction costs in the amount not to exceed \$594,000.00, and "soft" costs for engineering, design and project management in an amount not to exceed 15% of the actual "hard" construction cost or \$89,100.00, whichever is less, for a total cost reimbursement amount not to exceed \$683,100.00; adopt an Ordinance waiving the requirements of Section 25-9-39, of the City Code relating to the posting of fiscal security; waiving the requirements of Section 25-9-61, of the City Code relating to facilities eligible for cost reimbursement; waiving the requirements of Section 25-9-63, of the City Code relating to the amount of cost reimbursement; waiving the requirements of Section 25-9-67, of the City Code relating to cost reimbursement payments. (Funding in the amount of \$683,100.00 is available in Fiscal Year 2002-2003 Amended Capital Budget of the Water and Wastewater Utility) (Recommended by the Water and Wastewater Commission) (Related Items 5, 14, 15, 63, Z-6)
The motion authorizing the negotiation only of a cost reimbursement agreement and the first reading of the ordinance was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.
15. Amend Ordinance No. 020909-02 the 2002-03 Capital Budget of the Economic Growth & Redevelopment Services Department by appropriating \$7,250,000 to a new project, the "Catellus - Seton Site Development Contingency" project. (\$7,250,000 will be funded through the issuance of future debt.) (Related Items 5, 14, 51, 63, Z-6)
The first reading of the ordinance was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 7-0 vote.
- Z- 6 C814-03-0079 - RMMA Phase I - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3600 Manor Road, located approximately 1,200 feet east of IH-35 North and 600 feet south of East 51st Street and comprising approximately 49 acres of land, more or less, out of Abstract 346, Thomas Hawkins Survey #9, and all or portions of Lots 20-33, Ridgetop Gardens Subdivision, Travis County, Texas (East Boggy Creek and Tannehill Creek Watersheds) from aviation services (AV) district zoning to planned unit development (PUD) district zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning. Applicant: City of Austin. Agent: Economic Growth and Redevelopment Services Office (Pam Hefner, A.S.L.A.). City Staff: Greg Guernsey, 974-2387. (Related Items 5, 14, 15, 51, 63)

The public hearing was closed on Council Member Wynn's motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The first reading of the ordinance was approved on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

62. Conduct a public hearing and consider a variance request to re-grade portions of 801 South Lamar Boulevard to modify the boundaries of the 25-year and 100-year floodplains for construction of a parking area and to allow approval of the site plan without dedication of drainage easement to the modified boundary of the 100-year floodplain.

The public hearing was closed on Council Member Dunkerley's motion, Council Member Wynn's second on a 4-0 vote. Those members off the dais were: Mayor Pro Tem Goodman and Council Members Slusher and Thomas.

Ordinance 030605-62, adopting staff's recommendation, was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 7-0 vote.

17. Approve an Ordinance repealing and replacing Chapter 12-5 of the City Code relating to the local regulation of smoking in public places (Third reading).

Ordinance No. 030605-17, including the revised provisions read into the record by staff and the following friendly amendment, was approved on Mayor Garcia's motion, Council Member Dunkerley's second on a 4-3 vote. Those voting aye were: Mayor Garcia and Council Members Dunkerley, Slusher and Thomas. Those voting nay were: Mayor Pro Tem Goodman, and Council Members Alvarez and Wynn. The friendly amendment from Council Member Alvarez was to delay implementation until September 1, 2003. This was accepted by the maker of the motion and Council Member Dunkerley, who seconded the motion.

Council took a recess at 10:45 p.m. to allow staff to draft the following proposed amendment.

There was an amendment from Council Member Alvarez to add to 12-5-3 a paragraph to read as follows: "(9) a business premise that: (a) holds a beverage permit under the Alcoholic Beverage Code; and (b) earns more than 75 percent of its quarterly revenue from the sale of alcoholic beverages for on-premises consumption." This was seconded by Mayor Pro Tem Goodman. There was a friendly amendment from Council Member Wynn to reduce the 75 percent to 51 percent. This was accepted by the maker of the motion and Mayor Pro Tem Goodman, who seconded the motion. This amendment failed on a 3-4 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Members Alvarez and Wynn. Those voting nay were: Mayor Garcia, and Council Members Dunkerley, Slusher and Thomas

The motion to adjourn the meeting at 11:25 p.m. was approved on Mayor Pro Tem Goodman's motion, Council Member Slusher's second on a 7-0 vote.

Minutes for the Special Called Meeting are in a separate document.

The minutes for the regular meeting of June 5, 2003 were approved on June 12, 2003 on Council Member Thomas' motion, Mayor Garcia's second on a 7-0 vote.